

MIDWEST INNOCENCE PROJECT

MEDIA CONTACT:
Justin Scott
816.809.3116
justin@scott-comms.com
[@ScottComms](#)

FOR IMMEDIATE RELEASE

Midwest Innocence Project to Receive Record-Setting \$658,980 Donation via Lawsuit's Cy Pres Doctrine

Kansas City law firm chooses regional not-for-profit fighting for the wrongfully convicted across five states to collect the largest gift in its 16-year history

Kansas City, Mo. (May 18, 2016) – The [Midwest Innocence Project](#) (MIP), a not-for-profit corporation dedicated to the investigation, litigation and exoneration of wrongfully convicted men and women in Missouri, Kansas, Arkansas, Iowa and Nebraska, announces today that Edgar Law Firm LLC, a class-action and business-litigation law firm headquartered in Kansas City, along with co-counsel Sharp McQueen P.A. and The Law Office of Thomas H. Brill, have directed a donation of \$658,980 to the MIP through a “cy pres doctrine” award connected to a recently completed class-action case.

“Cy pres awards allow unclaimed settlement funds from class-action lawsuits to be distributed to certain organizations and charities approved by the court,” said John F. Edgar, a founding partner of Edgar Law Firm. “In this case, as class counsel, we had the ability to nominate a charitable organization to receive the unclaimed funds, so we selected the Midwest Innocence Project.”

The cy pres doctrine, which means “as near or close as possible” in French, is typically invoked when a gift is made by will or trust and the named recipient of the gift, such as an organization or a person, doesn’t exist, died, couldn’t be located or dissolved. In these cases, then the estate or trustee must give the remaining funds to a charitable organization that comes closest to fulfilling the purpose of the gift. It is often invoked when class-action settlements can’t be distributed to members of the class, to which the lawyers for the class can then redirect the funds to a charitable organization.

The record-setting donation came from a recently settled consumer-class-action lawsuit against Kansas City-based Dairy Farmers of America (DFA), when a Jackson County circuit judge approved a \$3.5 million settlement that resolved the case. The lawsuit alleged that DFA, a leading milk marketing cooperative and dairy food processor, artificially increased the price for milk and milk-based products through the slaughter of dairy cows. The suit was filed on behalf of Missouri dairy consumers and alleged those practices violated the Missouri Merchandising Practices Act. DFA denied these allegations.

The settlement provided payments of \$10 to \$40 to people who bought DFA milk products between 2004 and 2015. Because the size of this particular class totaled in the millions, Edgar Law Firm and co-counsel adopted the best practice of notifying the class through a publication notice, which is typical for a class of this type and size. The publication notice included a newspaper ad campaign with large display ads, as well as notifications through Google AdWords™ and Facebook.

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“In a class this size, there is typically some amount of unclaimed funds. In this case, the parties agreed to utilize the cy pres doctrine and began to look for a charity to receive the unclaimed funds,” said Edgar. “I first heard of the Midwest Innocence Project when I was invited to its benefit dinner a few years ago. I was incredibly moved by the work of the organization and the drive of the attorneys working on behalf of the wrongfully convicted. And, all of the plaintiffs’ counsel in this case with me knew about the MIP and believed in its cause. We hope this donation enables the MIP to continue its devotion and work for the rights of the innocent.”

The MIP is a 100-percent donor-based organization, so it relies on fundraising events and donations to fund its annual operating budget, which in 2015 totaled \$550,000. Yet it costs an average of \$325,000 to exonerate a prisoner. That cost includes DNA tests and hours of time invested by investigators and lawyers to free the innocent. The entire process can take seven to 10 years to complete and is expensive. Additionally, the MIP’s waiting list of 600 wrongfully convicted people is growing because of flaws in the justice system and the notoriety of the MIP’s involvement in several high-profile cases including:

- **Steven Avery** – At the center of the popular *Making a Murderer* series on Netflix and currently battling a murder conviction in Wisconsin for which he says he is innocent after being exonerated after an 18-year sentence for a crime he didn’t commit.
- **Rodney Lincoln** – Serving his 34th year in prison for a crime he didn’t commit in Missouri and recently had a hearing about his potential release.
- **Floyd Bledsoe** – Exonerated after 16 years in a Kansas prison when his brother confessed to the crime Bledsoe allegedly committed.

“For many people, these powerful and widely covered cases are their first exposure to the world of wrongful convictions,” said Oliver Burnette, executive director of the MIP. “But the MIP lives in this world every day, where it takes money and determination to free innocent people. Through the thoughtfulness of Edgar Law Firm and its co-counsel, the MIP can now increase its efforts to turn wrongs into rights. For that we thank you and are deeply grateful and humbled by this incredible gesture.”

Edgar co-founded Edgar Law Firm in 2002 with his father John M. Edgar. Edgar is well known for his work in complex, business, and class action litigation in courts throughout the country.

The MIP will formally announce this record-breaking donation at [Voices for Justice](#), an evening with the [Heartland Men’s Chorus](#) and the MIP at the [Stowers Institute for Medical Research](#) at 1000 E. 50th St., Kansas City, MO 64110 on **Wednesday, May 18 from 5:30-7:30 p.m.** The event will be hosted by David Welte, executive vice president and general counsel at the Stowers Institute, as well as event co-chairs and advisory board members Judy Overton and Steve Chinn. For media credentials at the event, please contact Justin Scott at [Scott Communications](#) at 816.809.3116 or justin@scott-comms.com.

About the Midwest Innocence Project

The Midwest Innocence Project is a not-for-profit corporation dedicated to the investigation, litigation and exoneration of wrongfully convicted men and women in Missouri, Kansas, Arkansas, Iowa, and Nebraska. The Midwest Innocence Project was founded at the University of Missouri – Kansas City (UMKC) School of Law in 2000 as a 501(c)(3) nonprofit corporation and operates today as an independent organization in partnership with the University of Missouri (Kansas City) and (Columbia) Schools of Law, the University of Kansas and local legal communities. The MIP is a licensed organization of the Innocence Project founded at Benjamin N. Cardozo School of Law at Yeshiva University in 1992 and works with 68 similar organizations around the world in coordinating legal work and education efforts. For more information, please visit www.themip.org.

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